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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,638	09/08/2003	Gregory E. Manning	COSS 8741US	2814

1688 7590 01/25/2006

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EXAMINER

A, PHI DIEU TRAN

ART UNIT PAPER NUMBER

3637

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,638

Applicant(s)

MANNING ET AL.

Examiner

Phi D. A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 12-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/8/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-11, 18-20, drawn to a training apparatus, classified in class 52, subclass 204.1.
 - II. Claims 12-17, drawn to a method of simulating a forced door entry, classified in class 434, subclass 226.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the product as claimed can be used in a materially different process of using that product; for example, the product is assembled as a finished product, and no breaking force is applied to the product.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Mark Books on 1/10/06 a provisional election was made without traverse to prosecute the invention of group I, claims 1-11, 18-20. Affirmation of this election must be made by applicant in replying to this Office action. Claims 12-17 are

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withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-8, 10-11, 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Helfman (4376353).

Helfman (figure 1) shows a training apparatus including a base plate (26), a rigid door frame secured to the base plate, the door frame consisting of a left vertical jamb (20), a right vertical jamb(22), a header (24) coupled between a top of the left and right vertical jambs, the frame having a front face and a rear face, one or more hinge brackets (50, 52) secured to one of the left and right jambs on a rear face of the frame, one or more holding brackets (64 and the assembly of 62) secured to a second of the left and right jambs on the rear face of the door frame, a standard door (14) secured within the frame by the hinge brackets, the door restricted from

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rearward opening by the one or more holding brackets, the one or more hinge brackets are secured to the jamb by at least one frangible connector (the joint of the hinge and nails are both frangible connector as they will break when sufficient force is applied), the one or more hinge brackets are secured to the door by at least one frangible connector (the joint of the hinge and screw 58 are both frangible connector as they will break when sufficient force is applied), one or more holding brackets are secured to the jamb by at least one frangible connector (the dead bolt 64 and the door knob assembly having frangible parts connected to the frame, and the parts will break when sufficient force is applied), one or more holding brackets are secured to the door by at least one frangible connector (the dead bolt 64 and the door knob assembly having frangible parts connected to the door, and the parts will break when sufficient force is applied), the at least one of the one or more holding brackets (64) being aligned substantially with a door locket (the knob assembly) location, the door is restricted from rearward opening by the one or more holding brackets having a predetermined holding strength, the predetermined holding strength is selected to approximate a door lockset holding strength (inherently so), at least one removable attachment component coupling the door frame to a perimeter edge of the standard door (hinge 48), the component being a frangible connector (the joint of the hinge is frangible), first and second holding brackets secured to a second of the left and right jambs on the rear face of the door frame, the first holding bracket secured at a door knob height (where the knob is), the second holding bracket (64) secured at a deadbolt locket height.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Helfman (4376353) in view of Noyes (4015382).

Helfman shows all the claimed limitations except for the frame being secured to the base plate by a plurality of removable bolts, the header coupled between the left right jambs by removable bolts.

Noyes shows bolts (55) connecting doorframe elements together.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Helfman's structure to show the frame being secured to the base plate by a plurality of removable bolts, the header coupled between the left right jambs by removable bolts because using removable bolts to attach door frame members together would enable the secured fastening of the frame members together as taught by Noyes; furthermore, the use of welding, screws, bolts, adhesive to connect jamb frame members is known in the art as they provide for easy ways to attach the door frame members together.

Helfman as modified further shows the doorframe being detachable from the base plate and disassemble into a plurality of discrete components.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different door apparatus.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Phi Dieu Tran A', with a large, stylized loop at the end.

Phi Dieu Tran A

1/23/06